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In accordance with Section 3 of the Federal Law on the Restitution of Art Objects from Austrian Federal Museums and Collections (Art Restitution Act), Federal Law Gazette (BGBl. I) No. 181/1998 as amended by BGBl. I No. 117/2009, at its meeting on 29 June 2023, the Art Restitution Advisory Board unanimously adopted the following

### **DECISION**

It is recommended to the Federal Minister of Arts, Culture, Public Service and Sports that the objects listed in the following annex

I. 201 books, annex ./A

II. 164 negatives (Uvachrome), Picture Archives and Graphics Department, annex ./B

III. 793 positives, portrait prints, watercolours and hand drawings, Picture Archives and Graphics Department, annex ./C

be transferred from the Austrian National Library to the National Fund of the Republic of Austria for Victims of National Socialism for disposal pursuant to Section 2. (1).2 of the Art Restitution Act.

### **FOUNDATIONS**

In its decisions of 11 September 2009, 15 May 2014, 5 October 2016, 6 March 2020, 29 June 2021 and 30 March 2022, the Board already recommended the transfer of numerous objects from the Austrian National Library to the National Fund of the Republic of Austria for Victims of National Socialism.

I. In 2009, a decision was made to return 8,363 of 8,566 book signatures that had been assigned to the National Library by the Gestapo after Austria's "Anschluss" to the National Socialist German Reich to the National Fund of the Republic of Austria for Victims of National Socialism, thus proving that they had been seized as a result of National Socialist persecution. The remaining 203 books - which are also proven to have been seized - were not the subject of the recommendation at the time due to certain characteristics of provenance which they displayed and were set aside for further examination. It could not be determined whether they were also to be regarded as from anonymous previous ownership, since they show at least fragmentary indications of ownership, such as name entries, stamps and dedications. Based on the dossier from the Commission for Provenance Research 03/2023 that is now available, "203 books from Anonymous Previous Ownership", the Advisory Board has established the following facts as being relevant to the decision.

In the case of 201 books, it is ultimately also a matter of allocations made by the Gestapo in the years from 1938 to 1945, which are to be regarded as anonymous. The entries in the books do not allow any conclusions to be drawn about the previous owner, for example, dedications are indicated without

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mentioning a (complete) name, existing stamps and names could not be clarified or assigned to any person or institution due to illegibility and unidentifiability, even after years of research. Or cannot be assigned to any person or institution or, because they are very old annotations, some of which were added in earlier centuries, are not to be considered relevant to the question of a withdrawal during National Socialism. Hence, further research would not be expedient for these 201 books.

In the case of only two books, names could be clarified and further research seems promising. While these two are therefore to be set aside once again, the Advisory Board has come to the conclusion to recommend the transfer of ownership of the 201 objects listed in annex/A. to the National Fund of the Republic of Austria for Victims of National Socialism in accordance with Section 2. (1). 2 of the Art Restitution Act.

**II. and III.** On 22 June 2004, in connection with photographs, negatives and various portrait prints that came to the National Library after the "Anschluss", the Advisory Board recommended the return of 583 photographs to the legal successors of the owner of the postcard publishing house Gebrüder Kohn; on 25 November 2004, the return of 25 photographs from the portrait collection of the firm Foto-Atelier Wilhelm Willinger & Co. In the course of the general inspection of the holdings in the collections of the Austrian National Library in 2003, 957 objects that had become part of the National Library through deliveries from various offices of the National Socialist police apparatus but could not be assigned to a previous owner were found. On the basis of the Commission for Provenance Research dossier "Anonymous Objects (negatives, photographs and various portrait prints) from the Picture Archives and Graphics Department" (04/2023), the Advisory Board establishes the following facts relevant to the decision regarding the works listed in annex./B and ./C:

**Ad II.** After World War I, the National Library (NL) started to collect photo negatives, but without having installed a separate department for it. It was only after the "Anschluss" that the Picture Archives was established as a separate collection, after the Reich Ministry of Public Enlightenment and Propaganda in Berlin attempted to move the picture and negative material of the Austrian Photograph and Film Service (ÖLFD), which belonged to the Federal Ministry of Education, and the Austrian Photograph Office (LST), which was controlled by the Federal Chancellery, to Berlin. The planned transfer was prevented by the merging of the two collections on the initiative of the Director General of the NL at that time, Paul Heigl (1887-1945), in consultation with the Ministry of the Interior and Cultural Affairs. Subsequently, between June 1939 and 1941, the negatives from the LST and the ÖLFD were successively added to the holdings of the Picture Archives of the NL. Hans Pauer (1904–1989) was appointed as head, taking over from the ÖLFD. At the end of January 1942, the Picture Archives contained more than 205,000 negatives, two years later 350,000 negatives. Including negative material

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from liquidated and "aryanized" photo studios and publishing houses as well as material from confiscations of private collections by the Gestapo. In the case of the negatives, the acquisitions were recorded in so-called copyright books (UHR), which had been taken over and continued by the Austrian Photograph Office. The related entries were assigned to a common acquisition number (EZ), on the basis of which the circumstances of the acquisition and the date of the acquisition can be read. The 164 negatives or uvachromes listed in annex ./B - specially photographed colour negatives - were recorded in the copyright and inventory book with the entry number 805: 152 negatives for the illustrations in the illustrated book *Roma sacra*, published in 1925, as well as one glass plate negative had been assigned to the picture archive by the Gestapo on 16 March 1943. Another 11 uvachromes were also assigned to the library by the Gestapo under the same entry number 805.

**Ad III** The beginnings of the portrait collection, which now also belongs to the Picture Archives and Graphics Collection Department of the Austrian National Library, can be traced back to the collections of Emperor Franz II/I established since 1785. Under his reign, the holdings of the Habsburg-Lothringen family's private libraries grew steadily. After his death in 1835, he bequeathed them in his will as the (Family) Fidei Commissary Library. After the collapse of the Austro-Hungarian monarchy, the collection came to the Court Library, renamed in National Library in 1920, and formed the basis of the portrait collection there.

During the Nazi period, the librarian Wilhelm Beetz (1882–1966), who had already been appointed head of the collection in 1932, was in charge of the NL's portrait collection. Despite his rather unsuccessful efforts to gain more money and attract staff, he succeeded in expanding the collection by more than 23,000 objects between 1938 and 1945. These included more than 10,000 purchased portrait photographs from the collection of the theatre researcher Konstantin Danhelovsy (1857–1939), photographs from the confiscated stock, for example, of the above-mentioned postcard publishing house of the Kohn brothers, as well as the photo positives from the Raoul Korty collection, which finally came into the National Library's holdings via several previous and intermediate owners.

Among the 793 graphic works and photographs of famous artists, musicians, freemasons, writers, philosophers, religious dignitaries listed in annex ./C are objects that were inventoried with the indications "Geh.Pol", "St. Pol.", "Polizei", "Pol. Arch." and "Pl. Arch.", which are abbreviations that refer to the Gestapo. They, too, cannot be assigned to specific persons.

Therefore, the Advisory Board comes to the conclusion to also recommend the transfer of the 957 objects listed in annex ./B and annex ./C to the National Fund of the Republic of Austria for Victims of National Socialism pursuant to Section. 2. (1). 2 of the Art Restitution Act.

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Vienna, 29 June 2023

Prof. Dr. Clemens JABLONER (Chairman)

Members:

Assoz. Univ.-Prof.<sup>in</sup> Dr.<sup>in</sup> Birgit KIRCHMAYR

Ministerialrätin Dr. Eva B. OTTILLINGER

A.o. Univ.Prof.in Dr. Sabine PLAKOLM-FORSTHUBER

Member of the Court of Appeals Dr. Franz Philipp SUTTER

Alternates:

Judge Mag.<sup>a</sup> Eva REICHEL

Counsellor of the Court Dr. Christoph HATSCHEK